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涉嫌侵吞巨额国资 潍坊新立克三高管被双规

Suspected of Embezzling State-owned Assets

Top executives of Weifang Neo-Luck Group Put in “Shuang’gui” [Detained and Interrogated]

快速发展和兼并扩张为新立克带来了巨大的“负面效应”——资产负债率高达 90.8%。2003 年开始,其旗下的优质资产,包括富华游乐园、鸢飞大酒店、富华大酒店等陆续破产。从去年底就流传于坊间的传言终于被证实。

Rapid development and expansion through acquisitions had a huge “negative effect” on Weifang Neo-Luck, resulting in its liability-assets ratio being as high as 90.8%. Starting in 2003, a number of high-quality subsidiaries of the group, including Fuhua Amusement Park, Yuanfei Grand Hotel and Fuhua Grand Hotel, successively went bankrupt. Rumors that have been circulating in the industry since the end of last year have finally been confirmed.

5 月 1 日 , 由中纪委、公安部、银监会、审计署等 4 部委组成的联合专案组“空降”潍坊 , 潍坊新立克 (集团) 有限公司 (下称“新立克”) 的实际控制人、前任董事长尹军 , 现任董事长王铎 , 以及原董事、分管财务的副总经理季晓芳三人 , 因侵吞巨额国有资产 , 涉嫌经济犯罪而被“双规”。

On May 1, 2007, a group of special investigators from the Central Commission for Discipline Inspection of the Chinese Communist Party, the Ministry of Public Security, the China Banking Regulatory Commission and the National Audit Office was sent to Weifang, Shandong. Yin Jun, the actual controlling person of Neo-Luck Group and former board chairman, Wang Duo, its incumbent chairman and Ji Xiaofang, a former director and deputy general manager in charge of finance were put in “shuang’gui” [detained and interrogated] by the Party on suspicion of embezzling state-owned assets and committing fraud.

“这几天大家都在私下里议论 , 认为这是早晚的事。”新立克一位不愿透露姓名的管理人员说 ,

这几年新立克旗下的企业纷纷破产后转变为个人所有，虽然员工包括管理人员基本上还是原来的，但大家都觉得心里不踏实，“富华酒店这几年赚的钱都转到北京雅悦酒店管理公司了，而不是新立克集团。同时，破产后的企业虽然实际控制人还是尹军，但企业名称都改了，新立克塑胶改成了富维塑胶。为什么改名呢？应该是为了逃债。”这位管理人员说，他们早就对新立克某些高管的行为产生了怀疑。

“Everybody has been talking about it (this issue) in private for the last few days and the general consensus is that something like this was bound to happen” said a manager unwilling to reveal his name. Following the bankruptcies and subsequent privatization of Neo-Luck subsidiaries in recent years, many employees feel insecure and have lost confidence in the Group, even though the employees, as well as the managers, kept their jobs. “Profits of the Fuhua Grand Hotel over the last few years have been transferred to Beijing Yayue Hotel Management Co., Ltd, and not the New-Luck Group. At the same time, the actual controller of those bankrupted companies is Yin Jun, but every company’s name has been changed, for instance Neo-Luck Plastic has been changed to Fuwei Plastic. Why? (I think) it is to escape debts”. The manager further commented that they had become suspicious of certain senior executives in Neo-Luck for a long time.

旗下企业纷纷破产

Group Subsidiaries went Bankrupt One after Another

新立克成立于 1987 年，由潍坊国有资产管理局持股 99%，注册资本 3.63 亿元，拥有全资和控股企业 20 余家，在美国、澳大利亚和中国香港设有三家海外公司，拥有员工 4000 多人，为山东省 136 家重点企业集团和全国 520 家重点企业集团之一。旗下的富华大酒店、鸢飞大酒店、富华游乐园成为潍坊的标志物；塑胶股份公司是集团的主导产业公司，在国内聚酯薄膜行业中居第二位。

Neo-Luck was founded in 1987, with 99% equity owned by the Weifang State-owned Asset Supervision Commission and a registered capital of RMB 363 million Yuan. It once owned more than 20 wholly-owned subsidiaries and joint-ventures as well as overseas subsidiaries in the US, Australia and Hong Kong, with more than 4000 employees in total. It was formerly listed as one of the 136 key groups in Shandong Province and one of the 520 key groups nationwide. Fuhua Grand Hotel, Yuanfei Grand Hotel and Fuhua Amusement Park, all operating under the group, were landmark buildings in Weifang City. Its plastic company was the Group’s major business, and ranked second in the nation’s polyester membrane industry.

2000 年，集团的销售额即达到了 32.7 亿元。但快速发展和兼并扩张也为新立克带来了巨大的“负面效应”——截至 2001 年 6 月 30 日，集团长期负债总额为 11.2 亿元，长期借款 11.0 亿元，流动负债 23.5 亿元，短期借款 19.6 亿元。资产总额 38.2 亿元，资产负债率达 90.8%。

As early as 2000, revenue of the Group was as much as RMB 3.27 billion. However, rapid development and mergers and acquisitions had a huge “negative effect” on the group ---- by June 30, 2001, the Group’s total long-term liability was RMB 1.12 billion Yuan (including long-term loans of RMB 1.1 billion Yuan) and its current liability was RMB 2.35 billion Yuan, (including short-term loans of RMB 1.96 billion Yuan). The group’s total assets were RMB 3.82 billion Yuan and its liability-asset ratio was as high as 90.8%.

2000 年前后，新立克开始缩减企业并实施破产还债。2003 年 7 月，新立克旗下的鸢飞大酒店破产；2005(年，潍坊富华新建业房地产有限公司、新立克塑胶有限公司、新立克石材制品有限公司相继进入破产程序；2006 年 3 月，集团过去的核心资产——潍坊富华大酒店有限公司、潍坊富华游乐园有限公司又被潍坊市中院裁定破产还债。

Since around 2000, Neo-Luck started to re-organize its subsidiaries and put subsidiaries in bankruptcy to repay debt. In July 2003, Yuanfei Grand Hotel went bankrupt. In 2005, Weifang Fuhua New Building Real-estate Co., Ltd, Neo-Luck Plastic Co., Ltd and Neo-Luck Stone Products Co., Ltd entered the bankruptcy process. In March 2006, the Group’s core assets - Weifang Fuhua Grand Hotel and Weifang Fuhua Amusement Park were put into the bankruptcy process by a court order made by the Weifang Intermediate Court.

2007 年 1 月，富华大酒店破产还债后的第一次债权会议在潍坊召开。至此，新立克旗下的优质企业基本全部破产。

In January 2007, the first creditor’s meeting following the bankruptcy of Fuhua Grand Hotel was held in Weifang. By that time, all of the high-quality subsidiaries under Neo-Luck Group had gone bankrupt.

缘起长城收购

Origins from Purchase by Great Wall

问题的暴露，是在长城资产管理公司收购新立克集团的债权之后。

The exposure of the problem began after the purchase of Neo-Luck Group’s creditors’ rights by Great Wall Asset Management Co.

2005 年 10 月 , 长城公司从中国银行购得新立克面值 19 亿元的不良债权。长城公司对新立克感兴趣的 , 是其旗下有广州一块土地 1.6 亿元的收益权 , 以及已达成抵债意向的标的物 —— 富华大酒店。但这块 2003 年 11 月已被冻结的 1.6 亿元的土地收益权 , 却在长城公司接手后仍被潍坊中院以潍坊富华新建业房地产有限公司破产为由划转走了 ;2006 年 3 月 , 富华大酒店又被潍坊中院裁定破产。

In October 2005, Great Wall bought from the Bank of China the creditor's rights for non-performing loans of Neo-Luck with a book value of RMB 1.9 billion Yuan. What interested Great Wall was a piece of land valued at RMB 160 million Yuan in Guangdong Province under Neo-Luck's name as well as Fuhua Grand Hotel, with which a repaying intent had been reached for the loan. However, this land right of RMB 160 million Yuan, which had been frozen since November 2003, was nevertheless transferred by the Weifang Intermediate Court on the grounds that the Weifang Fuhua New Building Real-estate Co., Ltd had gone bankrupt. Moreover, in March 2006, Fuhua Grand Hotel was ruled bankrupt by Weifang Intermediate Court.

长城公司损失惨重。其新闻处处长文显堂说 , 这是“长城不良资产处置历史以来最大金额的国有资产流失案 , ”也很有可能是四家资产管理公司中最大的国有资产流失案。”

According to Wen Xiantang, Director of Media and Press of Great Wall Asset Co., this is the “largest loss of state-owned assets in a single case in Great Wall’s history of NPL treatment”, “It could very well also be the largest state-owned asset loss case ever seen in any of the nation’s four asset management companies”.

2006 年 11 月 , 长城公司通过银监会 , 报请公安部 , 对尹军、王铎等新立克多名高管实施了边控 (禁止出境的控制) 。至今年 2 月 , 又对其实施了第二次延续边控 (一般边控期限为 3 个月) 。

In November 2006, through the China Banking Regulatory Commission, Great Wall requested that the Ministry of Public Security prohibit Yin Jun, Wang Duo and other senior managers of the Neo-Luck Group from leaving the country. In February 2007, the prohibition was extended (orders that prohibit people from leaving the country usually carry a 3 month period of validity).

今年 3 月中旬 , 审计署开始对长城资产管理公司开展常规审计。新立克涉嫌假破产逃废债、侵吞国有资产的可疑之处 , 引起了审计人员的重视。

In mid March, 2007, the National Audit Office carried out a routine audit of Great Wall. During the audit, Neo-Luck's suspicious actions, hinting to fake bankruptcy in order to escape debt and the seizing of state-owned assets, caught the attention of the auditors.

此后，审计署对新立克项目作了专项现场审计。4月中旬，审计署在调查后认为案情严重，即以“审计要情”的形式向国务院汇报并获重要批示。5月1日，4部委专案组赶赴潍坊，将新立克高管尹军等人依法控制。目前案情正在进一步调查中。

Subsequently, the National Audit Office conducted a special on-site audit of Neo-Luck's projects. In mid April, after investigation, the National Audit Office considered the case very serious, and reported to the State Council in the form of "Important Situation During Audit", and the State Council gave an important instruction to investigate the case. On May 1, 2007, a special group of investigators from four ministries apprehended Yin Jun and other senior managers of the Neo-Luck Group in Weifang. The case is currently under investigation.